



2026:DHC:7677



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **FAO 135/2026**

SMT. SHAHNAZ BEGUMAppellant

Through: Mr.Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates

versus

UNION OF INDIARespondent

Through: Mr. Manish Kumar, SPC with Ms.
Pragya Bharti and Mr. Somnath
Bhattarjee, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 23.01.2026 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in OA/II/DLI/624/2024 titled as “Smt. Shahnaz Begum v. Union of India”.

2. The facts in a nutshell are that on 04.07.2024, one *Mushaid Hussain* (hereinafter referred to as the “deceased”), along with his co-passenger and friend *Mohd. Shan*, was travelling from *Chandigarh* to *Bareilly* in Train No. 22356 (*Patliputra* SF Express). A journey ticket bearing No. 50633534, issued from *Chandigarh* on 04.07.2024 for two



adults travelling to *Bareilly* Junction, was produced on record and subsequently verified as genuine. The case of the appellant is that, during the course of the said travel, when the train was near *Chudiyala* Railway Station, the deceased fell from the running train, sustained fatal injuries and consequently died on the spot.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants on the ground that although the deceased was a *bona fide* passenger, his death was not the result of an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”). The said finding has not been challenged by the respondent and has, therefore, attained finality.

4. Learned counsel for the appellant submits that the Tribunal has misread the evidence and in this regard, contended that the contemporaneous railway record records the deceased as having fallen from Train No.22356 and there is no eyewitness to any intentional jump. Learned counsel further submits that even the co-passenger relied upon by the Tribunal did not witness the actual fall and that the Tribunal could not have converted the alleged negligence of the deceased into a “self-inflicted injury”. It is further submitted that the DRM inquiry itself was initiated only on 15.02.2025, several months after the incident, and was submitted on 13.05.2025.

5. Learned counsel for the respondent refutes the aforesaid contentions and submits that the deceased was consciously hanging outside the doorway of the running train despite being warned by his co-passenger and other passengers. It is contended that his fall was thus a consequence of his own conduct and falls within the statutory exception



relating to self-inflicted injury. The respondent also relies upon the fact that the body was found between the railway tracks.

6. At the outset, the finding regarding the *bona fide* passenger status having attained finality, the only question that arises for consideration is whether the death of the deceased occurred in an “untoward incident” within the meaning of Section 123(c)(2) of the Act whether the respondent has established that the case falls within one of the exceptions to the liability under Section 124-A of the Act.

7. The starting point for considering this question would necessarily be the contemporaneous record, since the precise manner in which the deceased came to sustain the injuries has to be assessed from the material generated at or around the time of the occurrence. The statement of the Station Master, *Chudiyala*, records that during his duty hours information was received regarding the deceased having fallen from Train No.22356 at *Chudiyala* and further stated that the information was immediately conveyed to the RPF/GRP authorities. Thus, the earliest railway record relied upon by the respondent itself proceeds on the basis that information had been received of a “fall from Train No.22356”.

8. The Tribunal’s principal reliance is upon the statement of CW-1/*Mohd. Shan*. He stated that after re-boarding the train at *Saharanpur*, he was sitting in the general compartment near the gate while the deceased was standing near the gate. He further stated that the deceased was hanging near the door and that he and other co-passengers tried to stop him. However, his statement, when read in its entirety, shows that the reference to the deceased hanging near the door pertains to the period before they got down at *Saharanpur*. After re-boarding the train, his



subsequent account is that the deceased went towards the gate and was standing there. He does not state that the deceased again started hanging from the door or was doing any stunts. His statement is that he suddenly heard a noise and that passengers sitting near him told him that the person travelling with him had fallen from the train.

9. Thus, the evidence establishes that the deceased was travelling in an overcrowded general compartment and was near the doorway before the incident. At the same time, the person travelling with him did not witness the actual fall and as per the available records, there is no other eye witness to the accident. The Tribunal, however, proceeded to conclude that the deceased had been “doing stunts” and that his fall was consequently self-inflicted.

10. At this stage, it is apposite to take note of the decision of the Supreme Court in “Jameela & Ors. v. Union of India”¹, wherein it was observed as here under:

“The manner in which the accident is sought to be reconstructed by the Railway, the deceased was standing at the open door of the train compartment from where he fell down, is called by the railway itself as negligence. Now negligence of this kind which is not very uncommon on Indian trains is not the same thing as a criminal act mentioned in clause (c) to the proviso to Section 124 A. A criminal act envisaged under clause (c) must have an element of malicious intent or mens rea. Standing at the open doors of the compartment of a running train may be a negligent act, even a rash act but, without anything else, it is certainly not a criminal act. Thus, the case of the railway must fail even after assuming everything in its favour...”

11. The principle assumes even greater significance in the present case because the overcrowding of the compartment is not merely an assertion

¹(2010) 12 SCC 443



made by the appellant, the same also finds place in the statement of *Shan*, who was himself travelling in the same compartment. The Tribunal has described the deceased's conduct as "doing stunts". That expression, however, is not itself a finding of fact emerging from any eyewitness account of the fall. There is a material distinction between evidence of conduct immediately preceding an accident and evidence establishing an intention to cause an injury. The former may, at the highest, establish negligence, it does not establish the latter. The respondent also cannot derive assistance merely from the fact that the body was found between the railway tracks.

12. The present record contains an additional circumstance which weighs against the conclusion reached by the Tribunal. The "Form-II" itself records the case as one involving a fall from Train No.22356 and identifies *Shan* as the eyewitness, yet his own account, as noticed above, is not an account of having seen the fall. He heard the noise and was informed by other passengers that the deceased had fallen. Thus, the designation of *Shan* as an "eyewitness" in the railway form cannot substitute for the contents of his actual statement.

13. Therefore, on an overall consideration of the record, the circumstance that clearly stands established is that there is no direct evidence of any intention on his part to inflict injury upon himself. In these circumstances, the respondent has failed to establish that the death resulted from a self-inflicted injury, a suicide, or any other exception contemplated under the proviso to Section 124-A of the Act.

14. In view of the aforesaid circumstances, and keeping in mind the beneficial nature of the legislation, the claim cannot be rejected on the



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basis of conjectures as to the manner in which the incident occurred.

15. Accordingly, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellants in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 25.09.2026.

16. The appeal is allowed and disposed of in the above terms.

17. A copy of this judgment be communicated to the learned Tribunal.

MANOJ KUMAR OHRI
(JUDGE)

SEPTEMBER 08, 2026

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